PPLEMENT TO THE

Gazette.

SATURDAY, JULY 4TH, 1829. [NUMBER 22.

d on Co-
Verandas
Hall Pan-
th various
ed.
R MONTH.
to Capt. SCOTT

bay, 4th July, 1829.

TICES.

LE, at the Gazette Office
es of the Trial of

CAPTAIN J. BETHAM,
H. C. MARINE,

PRICE RUPEES 5.

FOR SALE
at the Gazette Office.
The 1st, 2nd, & 3rd Parts of Mary at's
CODE OF SIGNALS,
For the Merchant's Service.

LITHOGRAPHED on fine English letter paper, from the latest London Edition, the numbers carried up to 9876.

IN A VERY NEAT BINDING,
PRICE RUPEES TEN.

FOR SALE, at the Gazette Office, the following Printed Works, Forms, &c.

	Rs.	Qr.
BOMBAY Register & Directory for 1829	5	"
Ditto...Ditto...Ditto...Hf. Bd.	7	"
Articles of War	5	"
Ship's Articles on Royal Paper	2	"
Respondentia Bonds each	1	"
Policies of Insurance do	1	"
Sheet Almanac for 1829	1	"
Bills of Exchange, per sett	"	2
Interest Bonds....do	"	2
Bills of Lading.....do	"	2
Powers of Attorney, each	"	2

LETTER PRESS PRINTING neatly executed, on moderate terms.

FOR SALE, at the Gazette Office, Lithographed copies of the

REVISED TARIFF,

And tables of the value of Currency, receivable in payment ofthe Bombay Customs

Bombay, Gazette Office, 4th July, 1829.

BOMBAY.

ARRIVALS AND DEPARTURES.

ARRIVALS.—Lieut. G. Thornton, 19th Regt.
Ensign F. T. Hutchins, H. M. 14th Regt.
Lieut. and Adjt. C. W. Wenn, Marine Bn.
Lieut J. S. Grant, Engineers
Capt. W. Hammond, 3d. N. Cay.
Lieut. T. S. Kennedy, Engineers.
Capt. Leighton, 21st Regt.

DEPARTURES.—Asst. Surgeon Walbran, 4th Lt. Drs.
Lieut. Mc.Caffery, H. M. 4th Lt. Drs.
Pay Master South, H. M. 20th Regt.
Capt. John Fawcett, 6th Regt.

SHIPPING REPORT.
BOMBAY.

ARRIVALS.

JULY 3d—H. C. Ship Atlas John Hine, Esq. Com. from London, left Portsmouth the 7th March, and touched at Johanna 18th June.

Passengers per Ship Atlas.—Mrs. Valiant; Mrs. Shawe; Mrs. Rebecca Leighton; and Mrs. Harriet Morgan:—Misses Harriet and J. Valiant; Emily Matilda Lucas; Mary Ann Varian; Matilda Hutt; A. Bolton; Anne Bolton; G. Lacrkins; G. A. Bennett; Mary Brassy. Sarah Biggers and E. Davies.—Lieut. Col. Valiant, Asst. Surgeon Bell and Ensign Valiant, H. M. 40th Regt.; Capt. M. Rammond H. C. Cavalry; Capt. Leighton; Mr. Henry Morgan; Barrister; Mr. G. Ashburner, Free Merchant; Mr. J. M. G. Robertson, and A. Spens Writers Doctor M. Arding; Mr. L. A. Arnott, and Brickwell; Cadets H. Duggle, H. Lave, J. S. Kennedy, R. P. Hogg, D. J. Cannan, W. H. B. Watkins, H. P. H. Hawkins, R. H. Young, and G. Cruickshank, Mr. H. Green, and J. S. Drape, Volunteers Bombay Marine.

DEPARTURES.

JULY 2d—H. C. Ship Herefordshire, W. Hope, Esq. Com. to China.
— Ditto —H. C. Ship Buckinghamshire, Richd. Glasspoole, Esq. Com. to China.
— Ditto —Ship Eliza, (Free Trader), A. Dixon Mates, to London.
— Ditto —Ship William Wilson, W. H. Barchett, Master to Madras and Calcutta.
— Diito —Ship Milford, G. Jellicoe, Master to Madras and Calcutta.

Passengers by Ship Eliza.—Capt. South and Mrs. South, Mrs. Kennedy, Lieut. Harrison, Lieut. McCaffrey, Dr. Walbron, and Dr. Poole.
By Ship William Willson.—Gramlick, Esq.
By Ship Milford.—Mrs. Levies Capt. Levies and Lieut. Hume.

Exchange &c.

On London, ...at 6 months sight 1 | 9½
Bengal,.....at 30 days sight, 107¼. per 100
Madras, ...at 30 days sight, par.

BAZAR VALUE OF COMPANY'S PAPER.

Remittable notes 136 Bombay Rs. per 0 | 0 Siccas.
Unremittable do. 106 do. per 0 | 0 do
Notes of the present 5 per Cent. Loan opened at Bengal on the 18th August 1825, selling at 108 B'by, per 0 | 0 Siccas.

PRICE OF BULLION.

Spanish Dollars.....100 per 220 B'by Rs.
German Crowns.....100 per 212½ Ditto.

FREIGHTS.

London.....Per Ton. £2 | 10
China..... Per Candy, Nominal

We have great pleasure in announcing the arrival yesterday of the H. C. Ship ATLAS John Hine, Esq Commander from Portsmouth the 7th of March. The following is a List of her Passengers

Mrs. Valiant; Mrs. Shawe; Mrs. Rebecca Leighton; and Mrs. Harriet Morgan:—Misses Harriet and J. Valiant; Emily Matilda Lucas; Mary Ann Varian; Matilda Hutt; A. Bolton; Anne Bolton; G. Larkins; G. A. Bennett; Mary Brassy Sarah Biggers and E. Davies:—Lieut. Col. Valiant, Asst. Surgeon Bell and Ensign Valiant, H. M. 40th Regt.; Capt. M. Hammond H. C. Cavalry, Capt. Leighton; Mr. Henry Morgan, Barrister; Mr. G. Ashburner, Free Merchant; Mr. J. M. G. Robertson, and A. Spens Writers; Doctor W. Arding; Mr. L. A. Arnott. and Brickwell Asst. Surgeons; Cadets, H. Diggle, H. Love, J. S. Kennedy, Rt. P. Hogg, D J. Cannan, W. H. B. Watkins, H. P. H. Hawkins, R. H. Young, and J. Cruikshank, Mr. H. Green, and J. S. Draper, Volunters Bombay Marine.

SUPREME COURT.

WEDNESDAY JUNE 17TH 1829.

(*Conclusion of Sir J. P. Grant's charge*)

Having thus stated to you gentlemen the reasons which induced the Court to suspend its functions, for a short time as it supposed, until it could receive the determination of the Governor General, and now having received his answer, to resume them, it remains for me to call your attention to the great change which has been made in the law we are assembled to administer since this Court of Oyer and Tirminer last sat. I had occasion when I had the honor of addressing the last Grand Jury to express the deep obligation which British India owes to Mr. Wynn since his retirement from the office of President of the board of Control, which he filled with so much ability, for the introduction of two acts of Parliament greatly wanted here, the Insolvent Debtors act, and that for improving the administration of Criminal Justice in the East Indies to which I am now to call your attention. It was hardly possible to conceive any more unsatisfactory, in a country where there is little of what concerns the laws and the administration so entirely unsatisfactory, than the state of the Criminal law. To all the acknowledgad defects of the English Code as lately subsisting, it added in this Presidency most of which subsisted, at the restoration, and had been corrected in England since. It is true it also escaped the errors which had been committed since. But upon the whole it laboured under great defects, and many perplexing uncertainties. When the great work of reform of the English Criminal code which Mr. Peel, so fortunately for his glory, has been able to connect with his name, was accomplished by the law he proposed to Parliament, Mr. Wynn thought his knowledge of Indian affairs and his still longer acquaintance with English law could not be devoted to a more useful purpose, than by following up this measure by a similar reformation of the English law binding in the British Terri ories in India, in all cases where English Criminal law is administered there. The act to which he obtained the assent of Parliament has now been in force since the 1st of March last.

The first thing to be considered is the extent of the act, and the time of its commencement. The second the subject it regards. It came into operation on the 1st of March 1829, so that (it may be proper to observe to you gentlemen) in all cases which occurred previous to the 1st March last, the persons implicated are amenable only to the law as it stood before that date.

The Territories and persons over which this act extends are declared in these words "This Act shall extend to all persons and all places as well on land as on the High Seas, over whom or which the Criminal jurisdiction of any of His Majesty's Courts of Justice erected or to be erected within the *British* territories under the Government of the United Company of Merchants of England trading to the *East Indies* does or shall hereafter extend."

These words are ample to make it coextensive with the jurisdiction of Supreme Courts in criminal matters.

2. I may class the subjects which the act regards under ten different heads. The Act 1st embraces repeal of former laws; secondly it, clears up a doubt in regard to persons subject to the Criminal jurisdiction of the King's Courts in India; 3dly. it describes and regulates the powers and proceedings of Justices of the Peace in certain cases, and enlarges them; it next removes certain difficulties which have occurred in the trial of criminals. It then settles the law with regard to principals and accessories. It then classes crimes and declares the punishments, which is the most important part of the statute. It next makes some provisions regarding witnesses, and lastly there is a general clause as to punishments not enumerated in other parts of the act. I have stated the subjects embraced by the act rather in what appears their natural order, than in the order in wich they are found in the act itself.

1. In regard to the first matter, the repeal of former laws; this is enacted towards the end of the act in these words, commencing at Section 125. It repeals as to India "all acts seventh and eight years of the reign of His present Majesty, intituled an *Act for repealing various statutes in* England *relative to benefit of clergy and to Larceny, and other offences connected therewith, and to malicious Injuries to Property, and to Remedies against the Hundred,*"

(This is the statute 7 and 8 Geo. 3 c. 27 which repeals all former Criminal statutes in England to clear the way for the substitution of the new Criminal Code) "or by an act passed in the present session of Parliament, intituled *an Act for consolidating and amending the statutes in* England *relative to offences against the person*; are, as to that Part of the United Kingdom called *England*, and as to offences committed within the jurisdiction of the Admiralty of *England*, repealed, except as therein mentioned."

This last mentioned Act is an Act of the last Session of Parliament not yet arrived in this Presidency. The next Section (§ 126) repeals parts of two acts which relate to India alone, namely 36 and 40 Geo. 3 c. 79 relating to the punishment of transportation in India, and 53, Geo. 3. c. 155, relating to the stealing securities for money, forging writings, and altering them knowing them to be forged, and counterfeiting coin. The act thus clears away all former Criminal statutes whatsoever, and I believe leaves the criminal law to be administered by his Majesty's Court's in India, as it is certain it was intended to be left, to the operation of the common law and of the new statute alone.

In order to this by § 19, the benefit of clergy is abolished, and it is enacted by § 20, "that no person convicted of Felony shall suffer death unless it be for some felony which was excluded from the benefit of Clergy before the day herein before mentioned for this Act taking effect, or which shall be made punishable with death by this Act or by some statute to be passed hereafter."

2. The 2d thing done by this act is to clear up all doubts that might arise in regard to persons not British born subjects being in the service of his Majesty, not in that of the East India Company, being amenable to the Criminal jurisdiction of his Majesty's Supreme Courts. The persons so amenable are described in former acts and in the charters of these Courts to be British subjects and persons employed by or in the service of the East India Company or any *British subject.* It might be doubted whether natives or others not British subjects, in the meaning applied to these words in the act of Parliament relating to India were amenable to the Supreme Courts. This act set at rest any such question. It declares that all persons in the service of the East India Company are amenable to the Supreme Courts for all crimes and offences by them committed and it places all persons in His Majesty's service on the same footing.

The third consists of enactments regarding the powers of Justices of the peace; and upon this part of the act, Gentlemen, I would draw the particular attention of the Magistrates and of yourselves (amongst whom I see several who are justices of the peace) to what the law is now on this subject, which is so intimately connected with the proper discharge of the duties of that important station. The first alteration is in regard to bail. You are aware that formerly only judges having the powers and jurisdiction of judges of the Court of King's Bench in England could admit a Felon to bail; By this law two Justices of the peace have power to bail in felonies, for it declares "that where any person shall be taken on a charge of felony or suspecions of felony before one or more Justice or Justices of the Peace, and the charge shall be supported by positive and credible evidence of the fact, or by such evidence as if not explained or contradicted shall in the opinion of the Justice or Justices raise a strong presumption of the guilt of the person charged, such person shall be committed to prison by such Justice or Justices in the manner herein aftermentioned."

Where he is of opinion that there is a *strong presumption of guilt,* upon the case as it stands, he is bound at once to commit the culprit to God. The act proceeds, "but if there shall be only one Justice present and the whole evidence given before him shall be such as neither to raise strong presumption of guilt nor to warrant the dismissal of the charge, such Justice shall order the person charged to be detained in custody until he or she shall be taken before two Justices at the least"

The discretion therefore of one Justice is confined to the submitting the case to the consideration of two Justices, of whom he may himself be one.

"And where any person so taken, or any person in the first instance taken before two Justices of the Peace shall be charged with felony or on suspicion of felony, and the evidence given in support of the charge shall in their opinion not be such as to raise a strong presumption of the guilt of the person charged and to require his or her committal, or such evidence shall be adduced on bahalf of the person charged as shall in their opinion weaken the presumption of his or her guilt, but there shall notwithstanding appear to them. in either of such cases, to be sufficient ground for judicial enquiry into his or her guit, the person charged shall be admitted to bail by such two justices."

There is a provision that beyond the local limits of the jurisdiction, meaning the criminal jurisdiction of his Majesty's Courts of Justice it shall be lawful for one Justice alone either to commit to prison or admit to bail at his discretion. This is a very important enactment; it is a greater degree of confidence reposed by the Parliament in Justices of the Peace and larger powers are conferred on them than the legislature has thought it safe to entrust to them before. This extension of authority must however be exercised with great caution: so exercised it may he an useful authority, more especially where the distance is inconveniently great for bringing up Criminals before Judges of the Supreme Court to be bailed. But Magistrates will feel how necessary it is that the greatest circumspection and care should be used in exery case where they may be called upon to bail a Felon, in order that that which is intended to promote may not become the means of defeating the ens of jus ice. This, Gentlemen, is in particular to be observed that before admitting persons to Bail that the evidence must not be such as to raise a strong presumption of guilt but merely such as to afford sufficient ground for judicial inquiry. By § 3 it is provided that the Justices before admitting to bail shall take the examinations of Prisoners, and the Informations upon Oath of witness, and shall put the same, or as much as shall be material, into writing, and the two Justices shall certify the Bailment in writing and the Justice or Justices to subscribe all such examinations, informations, Bailments and recognizances, and cause them to be delivered to the proper officer of the Court in which the trial is to be held. By § 4 similar provisions are made for bailments in misdemeanours by one Justice in regard to taking examinations &c. By Section 40th any person found committing an offence may be apprehended and taken before a Justice, and on oath of a credible witness of a reasonable cause to suspect the possession of stolen goods a Justice may grant a search warrant, and any person to whom property may be offered to be sold or pawned may apprehend and take before a Justice, the person so offering, on a reasonable cause to suspect that it has been stolen.

Jurisdiction is given by § 75 to one Justice of the Peace to convict on the oath of one or more credible witness or witnesses, any person having in his custody without lawful excuse

any greater number than five pieces of counterfeit coin; And by § 91 to punish by fine, not exceeding 200 Sicca Rupees over and above the value of the goods, persons having in their possession shipwrecked goods, who shall not satisfy the Justice that they came lawfully by the same; and by § 92 persons who shall offer such goods for sale. By § 97 authority is given a single Justice of Peace to punish by fine not exceeding 200 Sicca Rupees for the first offence, and by imprisonment who steal animals not the subjects of Larceny at common law. By § 113 Jurisdiction in given to the Justice over receivers of stolen property in those cases in which they have jurisdiction by the act, to punish by summary conviction the stealing or taking of the property.

It is enacted by § 41 that the prosecution for every offence punishable by summary conviction shall be commenced within three Calendar months after the commission of the offence; and it is enacted that the evidence of the party aggrieved shall be admitted in proof of the offence. This however does not vary the rule of evidence that an interested witness cannot be received. Though the money forfeited by the judgement on summary conviction is to be paid to the party aggrieved there is an exception where such party shall have been examined in proof of the offence; it will be well therefore to explain this to the witness before examining him in order that he may give his testimony under the knowledge that it cannot benefit him in this respect.

Jurisdiction is given to the Justice by § 42 where a person charged on oath and summoned to appear, does not appear, to proceed *exparte*, or otherwise to issue his warrant for apprehending such person. This power to proceed *exparte* is I am bound to state, contrary to the fundamental rule of Law that no one can be tried for a crime in his absence. The power however is given to Justices of the Peace by this Act; but it is a power to be exercised with great caution, for cases on which it can be necessary so to proceed must be extremely rare, if it ever can be necessary in any case, and I should certainly recommend it not to be resorted to, unless a case should occur where the punishment is not severe, and the Magistrate on full consideration is satisfied that the ends of justice cannot be otherwise attained; though I have already expressed my doubts of the possibility of such a case existing since the power that can apprehend the culprit for the purpose of punishment, might, it should seem equally apprehend him for trial.

By § 43 the sums forfeited under to Provision of Act for the value of property stolen are to be paid to the party aggrieved, except as I have said when such party shall have been examined in proof of the offence, and by § 44. a scale of imprisonment is fixed, where penalties imposed are not paid, relative to the amount of such penalties viz. Imprisonment with or without hard labour not exceeding two Calendar month where the penalty does not exceed 50 Sicca Rupees nor exceeding four where the penalty does not exceed 100 Sicca Rupees and not exceeding six in any other case. By § 45 a power is given to Justices to discharge a person summarily convicted of a first offence, so that if they find it to be such that they think they may pass it over, being a first offence, they have now by law the power to do so.

By § 46 a summary conviction is declared a bar to any other proceedings for the same cause and an appeal is given by § 48 from any summary conviction where the money adjudged to be paid exceeds 50 Sicca Rs. or the imprisonment one Calender month, if the conviction be before one Justice only, to the next Court of general or quarter Session. The convicting [§ 49] not to be quashed for want of from nor removed by certio ari.

I think these comprise all the enactments necessary to state to you relative to the powers and proceedings of Justices of the Peace I will just make this observation. This Act of Parliament appears to be declaratory of the intention in regard to the power to be given to Justices of the Peace in India in addition to those they already possess by Law. If I am right there can no longer be any question what Regulations should be made on this subject by any local authority in India, because it appears to me that Parliament having had the matter before it has made such regulations as it has deemed fitting and has thus pronounced its judgment, by which all persons are bound.

In the 2d place I would observe that it clearly defines the modes of trial and punishment of offences and this with express reference to India. No man therefore, can doubt now that to establish other modes of trial, or other punishments, would be repugnant to the laws of the Realm. Lastly the act places accessories before the fact or aiders and procurers of any offence by the act punishable before the Justices of the Peace on summary conviction in an equal rank of guilt with the principal offenders and renders them liable to the same punishment. There is one other Clause regarding the Magistrates which fit is proper to call your attention to, In § 6 a very unusual Enactment is inserted. A penalty is imposed on Justices of the peace and Coroners if they shall offend in any thing contrary to the true intent & meaning of the Provisions regarding the admitting to Bail, the taking examination & recognizances and causing them to be delivered to the proper Officer of the Court in which the trial is to be; and power is given to such Court to set such fine upon every such Justice and Coroner as the Court shall think meet.

The remainder of the act applies to crimes not rendered liable to summary conviction, and first it applies itself to the removal of legal difficulties in the proceedings on criminal trials. As these were of a tecenical rather than substantive nature it is unnecessary to go into them at length. Some of those which will no longer perplex us, are the stating the ownership of Property where there are partners; the misnaming the Prisoners; the omission of words of form truly immaterial; the question of what crime a previous attainder is a good plea in bar to a subsequent Indictment and some others. These difficulties are removed by this Act. Thus for instance in stating the owners of goods in partnership, joint property, or joint tenure of any thing stolen, great inconvenience was experienced in attempting to ascertain all the persons who had such right to, or property in the thing stolen and where this was attempted blunders were committed which were fatal. This difficulty is now removed;—it is enacted by § 10 that "in any Indictment or Information for any Felony or Misdemeanor wherein it shall be requisite to state the Ownership of any Property whatsoever, whether Real or Personal, which shall belong to or be in the Possession of more than One Person, whether such Persons be Partners in Trade, Joint Tenants, Parteners, or Tenants in Common, it shall be sufficient to name One of such Persons, and to state such Property to belong to the Person so named, and others, or as the Case may be."

It is no longer necessary therefore in framing Indictments to name more than one person of other persons than that one had a right of property in the stolen article or the possession of it. Then in regard to dilatory pleas, defects of pleading, and a number of other matters, the difficulties are removed by this Act of Parliament.

The next subject is an important alteration of the law in regard to principals and accessaries, and for this there was a great necessity. My Lord Hale says, "In cases of felony there are two sorts of principals, *viz.* principals in the first degree, that do the fact, be it in murder or any other felony, and principals in the second degree, that are present aiding and abetting the felony."

"And regularly in felony there are two sorts of accessaries, I. Accessaries before the fact, which are not present, but yet counselling, or abetting the felony, but in manslaughter no such accessaries can be before: and 2. Accessaries after, such as knowing a felony to be done by such a man do yet receive or maintain him." And again "If a man were accessary before or after in another county than where the principal felony was committed" (and much more was this so where the one was committed at sea and the other on land, the former subject to the Jurisdiction of the Admiral the latter to that of the Court of Oyer and Terminer) "at common Law it was dispunishable, but now by the Statue 2 and 3 Eq. 6. c. 24 the accessory is indictable in that country where he was accessary." "If the accessory be indicted either alone or together with the principal, process of outlawry shall not go against the accessory till the principal be attainted or outlawed, neither shall he be put to plead till the principal appear." The accessory still is not be constrained to answer to his Indictment till the Principal be tried." "If the principal be attainted and hath his clergy, or be pardoned after attainder, the accessory shall be put to answer; but if the principal be only convict and hath his clergy, or be pardoned, or stands mute, or dies in prison before judgement, or challenges above thirty-six peremptorily, the accessory shall not be put to answer, for the principal was never attainted and altho' formerly there were diversity of opinions in the books in these cases yet the law is now settled as above." It is true that in England the law is since altered in this respect by the Statute I. Ann. c. 9. But this statute not extending to this Presidency, the law here remained as laid down by Lord Hale till the passing of this statute in my hand.

It must be obvious that the principal and accessories before the fact though they are and have been in different positions, are nevertheless equally criminal, for a person who counsels, commands or processes is as much a principal in the eye of reason, and in truth, as he who is present aiding and abetting and equally criminal in the eye both of God and man. This distinction is done away by this Act of Parliament, which enacts that "if any person shall counsel, procure, or command any other person to commit any Felony, whether the same be a Felony at Common Law or by virtue of any Statute or Statutes made or to be made, the person so counselling, procuring, or commanding shall be deemed guilty of Felony, and may be indicted and convicted either as an Accessory before the Fact to the principal Felony together with the Felon, or after the conviction of the principal Felon, or may be indicted and convicted of a substantive Felony, whether the principal Felon shall or shall not have been previously convicted, or shall not be amenable to Justice, and may be punished in the same Manner as any Accessory before the Fact to the same Felony, if convicted as an Accessory, may be punished; and the Offence of the Person so counselling, procuring, or commanding, however indicted, may be inquired if tried determined, and punished by any Court which shall have Jurisdiction to try the principal Felon in the same Manner as if such Offence had been committed at the same Pla[illegible] Felony, although such Offence [illegible] ling &c. may have been comm[illegible] High Seas, or at any Place on [illegible] within His Majesty's Dominions [illegible] and that in case the principal Felo[illegible] Offence of counselling, procuring or [illegible] ing, shall have been committed in [illegible] Places, the last-mentioned Offence ma[illegible] quired of, tried, determined, and pun[illegible] any of His Majesty's Courts of Justice [illegible] the *British* Territories under the Governm[illegible] of the said United Company, having Jurisdict[illegible] to try either of the said Offences." Accessorie[illegible] after the fact are obviously in a very different situation and guilty of an entirely different Offence from accessories before the fact, who are no other than principals in the felony. They are therefore left subject to a different measure of punishment, but by § 8. the difficulties in regard to bringing them to trial are removed by the same provisions in this respect as in the case of Accessories before the fact.

It was a rule, as I have said, of the old law, that accessories could not be convicted till after the principal had been attained; but now by § 9 of this Act it is provided "that if any principal Offender shall be in any wise convicted of any Felony, it shall be lawful to proceed against any Accessory, either before or after the Fact, in the same Manner as if such principal Felon had been attainted thereof, notwithstanding such principal Felon shall die or be pardoned, or otherwise delivered before Attainder." There is a material extension of jurisdiction conferred by the new Act, for it says that the offence of the accessary may be inquired of and punished by any Court which shall have jurisdiction to try the Principal Felon, and that in case the Principal Felony and the offence of counselling, or the Act by reason whereof any person shall have become an accessory, shall have been committed in different places, the last mentioned Offence may be inquired of and punished in any of His Majesty's Courts having jurisdiction to try either of the said Offences. Thus for instance, if a man at Poona should counsel a man at Bombay to commit a murder, and the murder be committed in Bombay, the counsellor may be tried for the principal felony before the Supreme Court here as if the Felony had been committed by him in Bombay, altho' such person if he had committed a murder at Poonah would not have been subject to the jurisdiction of this Court. All question therefore, as to whether the party be counseller, procurer and commander or principal and all questions arising out of this distinction are removed; & the offence of counselling and procuring may now be tried as if the principal felony had been actually committed by the person so counselling and procuring, Section 9 enacts with regard to accessories whether before or after the fact that "every such Accessory shall suffer the same Punishment, if he or she be in anywise convicted, as he should have suffered if the Principal had been attainted. These words show what the law formerly was.

I come now to the most important part of this valuable Statute; that which relates to the classification of crimes and the apportionment of punishments.

The Act, omitting offences, more immediately against the King, is confined to such as are more immediately against the subject. These have been divided by writers on the law into capital offences, and offences not capital. I shall follow this division, and shall first point out the crimes which are continued by this Act in the rank of Capital offences, and next those which are made subject to transportation or other inferior punishments in the discretion of the Judge. First, then, of capital offences. The first and highest of these are such as affect the life of a man. But it is obvious that Homicide may be of various sorts, from the highest to the lowest degree of criminality, and may even be destitute of criminality altogether. Thus it may be either by misfortune, or justifiable, or in self defence. But the former law, in its tenderness it is said for the life of the Subject, had this extraordinary provision, that though the killing a man *per infortunium* was not capital, or a felony, as it could hardly be, yet it was punishable by forfeiture of goods "Tho the killing of another person *per infortunium* be not in truth felony, nor subjects the party to a capital punishment, and therefore usually in such cases the verdict concludes, *quod interfecit per infortunium, and non per feloniam*, yet the party forfeits his goods, and tho' he ought to have *quasi de jure*, a pardon of course upon the certificate of the conviction, yet he is not to be discharged out of prison, but bailed till the next term of sessions to sue out his pardon of course; for tho' it was not his crime, but his misfortune, yet because the king hath lost his subject, and that men may be more careful, he forfeits his goods and is not presently absolutely discharged of his imprisonment, but bailed *ut supra*."

Now that was a law which arose in an imperfect state of Society, when violence was common and human life, too little protected by the manners of the age, was thought to require a more anxious protection from the law than is reconcileable to the principles of justice. It has long since ceased to have even this apology, and that which has so long continued an absurdity in our criminal code, has been removed by this Act, by which it is provided and enacted "That no Punishment or Forfeiture shall be incurred by any Person who shall kill another by Misfortune or in his own Defence, or in any manner without Felony."

Felonious Homicide was divided by the law [illegible] ing [illegible] 3. c. 4[illegible] burning [illegible] Treason c[illegible] 1st day of [illegible] prisoner wa[illegible] of 35, two [illegible] Depositions [illegible] though unabl[illegible] by the Prison[illegible] al hough in truth [illegible] highly aggravated [illegible] Act has cured this I[illegible] properly placed murd[illegible] the same footing, has le[illegible] ply wi h death and has asc[illegible] qually for Principals and ac[illegible] fact. Next, the difficu ties wh[illegible] gard to the place where the [illegible] said to be committed in order to [illegible] subject of trial in any of the Kings [illegible] removed, as where t e person killed wa[illegible] ken at land and died at sea, or the reverse, was stricken one part of the territory over which the ins r ction of the Court extends and died in another pa t of it, the juris ictions of these Court as of Admiralty extending over one description of persons and as Court of Oyer and Terminer over another, and as Courts of Oyer and terminer over one description of persons in offences committed within the Presidencies and over another description of persons in offences committed in other parts of their territory. By § 56. it is enacted that where the blow or other injury is received at any place upon land or at sea within the limits of the Company's charter and the death shall happen without those limits, or the injury be received at any place whatsoever either upon land or at sea, and the death shall happen within these limits, the offence, whether murder or manslaughter, or the being accessory before or after the fact to murder or manslaughter, "shall be tried and "punished by any of His Majesty's Court of "Justice within the British Territories under "the Government of the said United Company "in the same manner in all respects as if such "offence had been wholly committed within "the jurisdiction of the Court within the ju-"risdiction of which such offender shall be "apprehended or be in custody."

The crimes next in degree, and which are Capital offences under this act, are the following. The attempt to poison, drown, suffocate or strangle; the shooting at, stabbing, cutting, or wounding, with intent in any of the case aforesaid to murder; the attempting to procure abortion; sodomy, Rape, Robbery (which is the stealing by violence) of any chattel, money, or valuable security, the accusing of an infamous crime with intent to extort money, which is most properly declared by this act to be robbery, as it undoubtedly is, the force imposed upon the mind being at least equal to any violence that could be applied to the body, and so has been held by all the judges of England. Then what shall be deemed an infamous crime within the meaning of the act is described in Sect 81: it is enacted that every person convicted of Burglary shall suffer death as a house is put on footing with the breaking into it. It is declared the like offence to break into a Dwelling house and steal therein, any person being therein and put in fear, or to steal in a Dwelling house to the value of 50 Sicca Rupees. what buildings shall be deemed part of a Dwelling House are described. "That no Building, although within the same Curtilage with the Dwelling House, and occupied therewith, shall be deemed to be Part of such Dwelling House for the purpose of Burglary, or for any of the Purpose aforesaid, unless there shall be a Communication between such Building and Dwelling House, either immediate or by means of a covered and inclosed Passage leading from the one to the other." Now although from the manners of the people of this country, from the nature of the climate, places are made use of even to sleep in which are not covered and inclosed, and the communications between different parts of the premises attached to a dwelling House, though covered are seldom inclosed, and this distinction may therefore seem less applicable to dwellings in this then in cold countries, yet I think there is that difference in the degree of security which the person himself is entitled to feel, and in the audacity and probable desperation of where the apartment is of this description, and where it is actually part of a dwelling House, or communicates with it by means of a passage so covered and inclosed that it may be secured with bolts and fastenings, thus rendering the whole strictly part of the same dwelling, as to warrant the distinction,

Some cases involving a consideration of the subject of Barglary will come before you Gentlemen; but I am not yet aware whether they fall under the new or the old law in point of time. You are already unhappily most, if not all of you, from serving on former Grand

Digitized with financial assistance from the
Government of Maharashtra
on 28 June, 2017

Prosecution by Indictment or
ther at Common Law or by
Statute, against any Person, for
ounterfeiting any Deed, Writing.
t, or other Matter whatsoever, or
ng any Deed, Writing Instrument or
latter whatsoever knowing the same to
ed or counterfeited," "no Person shall
ned to be an incompetent Witness in
ort of any such Prosecution, by reason
ny Interest which such Person may have
be supposed to have irrespect of such Deed,
riting, Instrument, or other Matter," So
that a person having any interest in the instrument, may (which is often very necessary) be examined as a witness on the trial, and the law leave his credibility to the discrimination of the Jury. This is a wise and judicious enactment and consistent with the principle of the law in many other cases to let the objection to a witness go rather to his credibility than to his admissibility, for in many cases a person more strongly interested than by any pecuniary consideration, and in others where he is not without possible pecuniary bias, is not thereby disqualified from giving his evidence, but it is left to the jury to attach to it what weight they think proper, and this is a corrective sufficient to answer all the ends of justice. In the next place a pardon warrant is declared to have all the effects of a pardon under the great seal. But no pardon is to prevent or mitigate the punishment of a subsequent offence and it is enacted that the endurance of the punishment adjudged in respect of a conviction of any felony shall have the like effect as a pardon under the great seal and by Sec. 35 it is enacted, "That where any Offender hath been or shall be convicted of any Misdemeanor which renders the Parties convicted thereof incompetent Witnesses, (except Perjury or Subornation of Perjury,) and hath endured or shall endure the Punishment to which such Offender hath been or shall be adjudged for the same, such Offender shall not, after the Punishment so endured, be deemed to be by reason of such Misdemeanor an incompetent Witness in any Court or Proceeding. Civil or Criminal." Therefore an end is now put to questions as to what offences render witnesses permanently incompetent. After convictions there comes a clause that where any Quaker or Morevion or native of India who shall scruple to take an oath in the usual forms is a witness in a criminal case (and you are aware that in England Quakers were admitted in Civil cases but not till lately in criminal) his affirmation shall be received as evidence. The penalties of falsely affirming being declared the same with those of periury.

"And be it enacted. That all Persons who by any Laws are now required to take an Oath upon the Holy Evangelists, or in any other Manner, for the Purpose of sitting or acting as Members of any Court, Civil or Criminal, or for any other Purpose whatsoever, may, instead thereof, be sworn according to the Forms of their respective Religions." The practice here has it is true, been so to swear person in conformity with the rules of Law, and we could not do otherwise, but now the proceeding as generally sanctioned by the legislature in cases when the particular wording of some Acts of Parliament might run opposit to it.

I have only one further matter to mention regarding the punishment which the Court is now authorized to award for felony. And the additions of Hard labour & solitary confinement which it is authorized to make to its sentences of imprisonment. It is enacted by sections 21, 22,23, & 24 That every Person convicted of any Felony not punishable with Death shall be punished in the Manner prescribed by the Statute or statutes specially relating to such Felony; and that every Person convicted of any Felony for which no Punishment hath been or hereafter may be specially provided, shall be deemed to be punishable under this Act, and shall be liable, at the Discretion of the Court, to be transported to such Place as such Court shall direct, for a Term not exceeding Seven Years, or to be imprisoned for any Term not exceeding Two Years and if a Male to be once, twice, or thrice publicly or privately whipped, (if the Court shall so think fit,) in addition to such Imprisonment. And be it enacted. That where any person shall be convicted of any Offence punishable under this Act, for which Imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard Labour, in the Common Gaol or House of Correction, and also to direct than the Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, or of such Imprisonment with hard Labour, as to the Court in its Discretion shall seem meet. And be it enacted, That wherever Sentence shall be passed for Felony on a person already imprisoned under sentence for another Crime, it shall be lawful for the Court to award Imprisonment for the subsequent Offence, to commence at the expiration of the Imprisonment to which such Person shall have been previously sentenced; and where such Person shall be already under Sentence either of imprisonment or of Transportation, the Court, if empowered to pass Sentence of Transportation, may award such Sentence for the subsequent Offence to commence at the expiration of the Imprisonment or transportation to which such Person shall have been previously sentenced although the aggregate Term of Imprisonment or Transportation respectively may exceed the Term for which either of those Punishments could be otherwise awarded. And be it enacted, That if any Person shall be convicted of any Felony not punishable with Death committed after a previous Conviction for Felony, such Person shall on such subsequent Conviction be liable, at the discretion of the Court, to be transported to such Place as such Court shall direct, for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be once, twice, or thrice publicly or privately whipped, (if the Court shall so think fit,) in addition to such Imprisonmeut; and in an Indictment for any such Felony committed after a previous Conviction for Felony, it shall be sufficient to state that the Offender was at a certain Time and Place convicted of Felony, without otherwise describing the previous Felony; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the previous Felony, purporting to be signed by the Clerk of the Court of other officer having the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk or Officer, (for which Certificate a Fee of Three Sicca Rupees, and no more, shall be demanded or taken,) shall upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the first Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if any Person other than such Clerk, Officer, or Deputy, shall sign any such Certificate as such Clerk Officer, or Deputy, or if any Person shall utter any such Certificate with a false or counterfeit Signature thereto, every such Offender shall be guilty of Felony and on being lawfully convicted thereof, shall be liable, at the Discretion of be Court, to be transported to such Place as the Court shall direct, for any Term not exceeding Seven Years, or to be imprisoned for any Term not exceeding Two Years, and if a Male, to be once, twice, or thrice publicly or privately whipped, (if the Court shall so think fit,) in addition to such imprisonment.

These clauses seem to cover all those cases not particularly provided for in other parts of the Act by leaving a great extent of discretion in the Court to inflict punishments commensurate with the degrees of depravity or guilt in those offences which vaying so much in degree appear to demand the committing to the Court a large discretion, short of the infliction of capital punishment. This is a power which I trust the Court will not only exercise with humanity but also with a due regard to all the considerations which it involves, and especially to the state of the society for whose benefit it is to be exercised. You must be aware that the former punishments which the Court had not in its power to modify, were often in effect opportunities for an indulgence of habits of indolence rather than due punishments for crime. These imprisonments in the common gaol were hardly felt as a punishment by natives of the description of those on whom it was inflicted. This has been often represented to me by several respectable Native Gentlemen from an anxious and a laudable desire to see a change for the better brought about in the moral character of their Countrymen. I hope a few cases of solitary confinent, or hard labour will operate as examples to restrain the lower orders of the Natives from those vices and crimes to which many of them are but too strongly addicted. As far as depends upon me, I will exercise this power with lenity, and I think I may venture to say that it will be so exercised by the Court when these two chairs which have been so long vacant shall again happily be filled; but if there be those who think it will be urged with too much lenity I beg them to recollect that the object of Criminal Justice is to repress crimes at the least possible expence of human suffering and to rely for this purpose on the certainty of punishment rather than its severity.

Gentlemen; I have detained you greatly too long yet I have had much to go over which I could not pass without notice. out of respect to you and out of duty and propriety towards the public, to whose judgment all Courts of Justice are public institution and all subtimety are amenable. I feel myself bound to explain from this seat the circumstances and motives which led to the temporary suspension of the functions of the Court, and the subsebuent events and considerations which have influenced it now to resume them I think I could not have done so in less space to have made the explanation in a manner satisfactory to you, to the public, or to my self.

Gentleman; in regard to the cases to come before you, there are none which so far as I am informed at present repuire any particular observation in addition to what I have already said, nor are there any of great difficulty and I am most happy to add their *number* is not great. I beg to dismiss you to your duties, thanking you for your attention to what I have said, assuring you that it is impossible to feel greater confidence than I feel that the important duties entrusted to you will be performed with credit to yourselves, and benefit to the public.

The following is the Presentment of the Grand Jury delivered, we believe, on Mouday last.

To The Hon'ble Sir J. P. GRANT, Knt.
Acting Chief Justice
of the Supreme Court of Judicature of Bombay.

My Lord,

Deputations of the Grand Jury have visited the Gaol and House of Correction.

In the Jail the alterations sanctioned by the Government are still in progress on the Debtors side the Prisoners whose early prejudies require that they should have liberty to cook their meals apart were fearful that the alteration would deprive them of facilities in this respect which they have hitherto enjoyed, the Grand Jury recommend that the attention of the Jail Committee be directed to this point during the progress of the building.

The general condition of the Prisoners in the Jail and the House of Correction is highly satisfactory and the state of those places of confinement creditable to those who have the care of them.

The Grand Jury are happy to find that a tread mill has been erected in the House of Correction and it is used with moderation and with good effect on the discipline of the Prisoners.

The Grand Jury have received an address from several respectable Native Inhabitants pointing out the danger to which the public are exposed from the falling of trees which overhang the roads, and they beg to recommend that the attention of the Court of Petty Session be directed to the Rule, Ordinance and Regulation III. of 1825 Art. 13 empowering them to remove all the Trees.

I have the honor to be
My Lord
Your Lordship's Most Obed.
Humble Servant
J. FARISH,
Foreman.

GRAND JURY ROOM,
Bombay 22d June 1829.

The following paragraphs of Mr. Justice GRANT's charge where accidentally omitted in our last. They should come after the last paragraph but one in the 4th column of page 218.

On the 3d of October the Governor and Council addressed their memorable letter to the Judges. This letter contained.—1. A demand that the Judges should abstain from all judicial acts however legal which undecided measures the Governor and Council had taken would produce collision with their authority, 2. An intimation that they would not permit the Court to proceed further in the Habeas Corpus in Moro Ragnath's case.—3 An intimation that they would not permit obedience to be paid by any officers of their Provincial Courts to writs of Habeas Corpus ad subjiciendum directed to them —4. That they would not permit obedience to be paid to such writs directed to any of their native subjects not residing on the Island of Bombay without distinction whether they were in the service of the Company or of a British Subject or not.

The Court paid no regard to this letter. The Alias writ, to Poonah, was not obeyed. It was vacation;—a Pluries writ was awarded;—no more could be heard of it judicially till Term time. It then appeared that the service of the writ had been opposed by a guard of soldiers under arms, the Company's Troops acting by the immediate order of the Governor of Bombay. It further appeared that the bearer of the writ had then applied to three of His Majesty's Justices of the Peace for assistance to serve the writ but these Magistrates, persons high in the Company's service, all pointedly refused to render him any assistance, and one of them informed him in writing that he was prevented "by instructions from the Government." The further proceedings necessary before an attachment could issue being had, the Court, in order to prevent violence and risk of bloodshed, directed the writ of attachment to the Governor and Council to execute by such persons as they might think proper.

When the letter of the 3d of October 1828 was received it appeared to the Judges, then consisting of two surviving, the Chief Justice having lately deceased, to be our duty to lay what had happened before the King by our humble Petition and to crave His Gracious protection. We deliberated much whether we ought not to close the Court. We resolved not yet to take this step in hopes the Governor and Council would reconsider their resolution. The hesitation of the Judges, and the reasons which induced us not at once to close the Court, were stated in the Petition of myself, the surviving Judge, to His Majesty. Mr. Justice Chambers having died while it was preparing and a copy of the Petition was sent to the Governor and Council so that they knew so early as the 30th of October the alternative the Court thought it would be reduced to, namely to close the Court if they carried their threats into execution.

MADRAS.

SHIPPING INTELLIGENCE.

ARRIVALS.

None.—

DEPARTURES.

June 18th,—Brig Norfolk, J. Goldie, for Coringa and Penang.
— Do. —Ship Royal Admiral, A. Wilson, for Calcutta.
— Do. 19th,—Ship Reine Rose, D. Anner, for Pondicherry and Bourbon.
— Do. —Amelia, Faudeux, for Calcutta.

GOVERNMENT GAZETTE,—June

The numbers of Catholic Noblemen eldest Sons and Baronets who may mitted into Parliament are very The following is given by a London C porary as a correct list.

ENGLAND.

Peers—Duke of Norfolk, Earl of Shrewsbury, Barrons Stourton, Petre, Arundel, Dormer, Stafford and Clifford.

IRELAND.

Peers—Earl of Fingal and Kenmare; Viscounts Gormanstown. Netterville, * Taafe and Southwell; Barons Trimlestown, and French.

* This title is at present vacant, but is in course of claim, we believe, by the Nephew of the late Viscount.

Digitized with financial assistance from the
Government of Maharashtra
on 28 June, 2017

SCOTLAND.

Peers—Earl Traquair, and Newburgh.

Eldest sons of Peers and Baronets.

ENGLAND.

Eldest Son of Peers.—Earl of Surrey (eldest son of the Duke of Norfolk) and Lord Talbot (eldest son of the Earl of Shrewsbury)

Baronets.—John Gerard, Edward Hales, Henry Tichbourne, Charles Throckmorton, Edward Blount, Richard Acton Henry Hunloke, Carnaby Haggerston, Henry Webb, Richard Bedingfield, Edward Smythe, Thomas Stanley Thomas Gage, Henry Lawson, Edward Mostyn, Clifford Constable, and Edward M. Vavasour.

IRELAND.

Eldest Sons of Peers.—Lord Killen (Elson of the Earl of Fingal) and Viscount Castle Rosse (eldest son of the Earl of Kenmare)

Baronets—Patrick Bellew, John Burk Thomas Esmonde James Fitzgerald, James Nugent and Richard Nagle.

SCOTLAND.

Eldest Sons of Peers.—Lord Linton (eldest son of the Earl of Traquair) and Viscount Kinnaird (eldest son of the Earl of Newburgh.

Baronet.—James Gordon.

Dublin March.—We received here last evening by Liverpool, the speech of Mr. Peel, in introducting the Ministerial measure on the Roman Catholic Question, through the columns of the *Courier*, which was the only Paper that brought the debates to a conclusion. That speech has had the effect of dissatisfying the ultras on all sides; while the moderate of all parties declare themselves, if not satisfied with the new plan of settlement, at least desirous that it should have a trial. I have said that the ultras of all parties are dissatisfied—the Protestants that the principle should at all be yielded that Roman Catholics are to sit in in Parliament; the latter because the forty-shilling franchise is to be infringed upon.

It must be confessed that there are very many of the honest Protestants of this country whose apprehensions, whether ill or well founded, should be taken into consideration, and whom it were well worth to satisfy. I conversed, some few years since, shortly after the failure of the Bill of 1825, with many of this class, and I know that they invariably expressed their regret that the measures of conciliation then proposed were not successful, thus evidencing their desire that this great question should be satisfactorily settled. It is true, that many who were then desirous that an amicable arrangement should be made, providing for the perfect security of the Protestantism of this country, have since, on account of the violent conduct of the Agitators and the proceedings at the late elections, become of the Brunswick party, and opposed to Concession under any circumstances.

We shall have meetings of all parties immediately on this subject.

This is a most important consideration--and the opinions of the Irish people should be laid before the British public as speedily and as faithfully as possible, but it will require some days to consider the subject before these opinions can be developed. I shall take the best oppoptunities, that, through the medium of your Irish correspondent, these opinions may come before the people of Great Britain.

A St. Petersburgh Gazette of the 26th February mentions that the Russian Emperor had acceded to the wish of Field Marshal Count WITTGENSTEIN to retire, and had given the command of the second Army to General Count DIEBITSCH in his stead. General PASKEWITSCH was appointed to the chief command of the Army of the Caucasus with all the privileges of the Commander in Chief of a grand army in the field. No traces it is said of the siege of Varna remained, and that a Court of Justice had been established, composed of the principal inhabitants, as well as two Hospitals; that one of the Mosques had been turned into a Church where Divine Service had been performed on St. Allexander's Day, and that the Inhabitants had then for the first time for centuries heard the sound of Christian Bells. French papers on the authority of letters from St. Petersburgh state, that another levy of recruits was ordered by the Emperor, of two men per hundred, which would make an addition to the army of nearly 300,000 men. The French Papers also report the capitulation of Tournoul to the Russians and the assembling of the forces of the latter on the Danube, to resume the siege of the fortresses on that river, and to clear both its banks of the Turks before they commence their operations against the Balcan. Meanwhile the SULTAN is said to be making preparations for defence on a scale equal in magnitude to the danger. Three thousand sailors had lately arrived from Egypt to man the fleet at Constantinople to dispute the mastery of the Black Sea with the Russians. To this very important aid, the Pacha of Egypt was expected to send 40,000 troops to join the Imperial Army, and similar levies were to be made by other Pachas according to their relative strength and population of their provinces.

The *Atlas* of the 8th of March mentions, that in the south the Turks are retreating into Thessaly before the Greeks, who have occupied Thermopylæ, under the command of Ypsilanti. A letter from Constantinople, of the 26th of January, states that this movement is attributed to the advice of French agents, who desire that when the question of the Greek limits shall come to be considered finally, the Greeks may have a greater extension of territory than the British Government now appear willing to assign to them.

CALCUTTA.

SHIPPING INTELLIGENCE.

ARRIVALS.

JUNE 12.—The English Brig Catherine, T. Kincaid, from Greenock 8th February.

VESSELS EXPECTED TO SAIL.

June 13th.—Barks Agnes, J. Thomas, for the Straits and China in 7 or 8 days, and Shaw Byramgore, H. W. Beyts, for Bourbon in 2 or 3 days.

DEPARTURES.

JUNE 12.—The English Ship John Woodall, W. Ramsay, for Liverpool via Mauritius.

Domestic Occurrences.

BIRTHS.—At Meerut, on the 24th May, the Lady of the Reverend J. C. Proby, of a Son.

At Benares, on the 1st June, the Lady of Lieut Lennox, of a Daughter.

DEATH.—At Dehli, on the 30th May, after a short, but very severe illness, Louisa Elizabeth Diana, the infant Daughter of Lieut. Col. J. H. Litter, Commanding 14th N. Regt. aged 6 months and 21 days.

SPIRIT OF THE INDIAN JOURNALS.

INDIA GAZETTE.—JUNE 4.

When Sir JOHN COPLEY in his speech on the Catholic question in 1827 inquires, "What is it that the Roman Catholics of Ireland ask?" The Westminster Reviewer replies, "It is not the Roman Catholics of Ireland that ask. It is the sane part of the people of England, founding their claim on the dictates of common sense and the plain rules of justice, which are always the rules of sound policy in the end. The truth will be told. THE PEOPLE OF ENGLAND ARE NOT WITH THE OPPRESSORS." It may now be confidently added that THE MAJORITY OF THE PROTESTANT PEOPLE OF IRELAND ARE NOT WITH THE OPPRESSORS. Of this we have an overwhelming proof in the Great Meeting which was held at the Rotunda in Dublin on the 20th of January last, and of which a full report is contained in this day's paper. It is to this meeting that Mr. O'CONNELL ascribes the change in the Duke of WELLINGTON'S purpose relating to the Catholics that occurred in the interval between the writing of his letter to Dr. CURTIS and the opening of Parliament. That such a change did take place is perfectly clear, and we are not aware of any thing more likely to have produced it than this meeting,—a meeting which, in the language of Lord ROSSMORE, must be recognized as the proper organ of the people of Ireland, because it represents not only the two conflicting persuasions but, generally speaking, the *independence and disinterested portion of the Protestant community of Ireland.* This points out the true ground on which the determination of the Catholic Question is, imperatively required not merely for the sake of Catholic Ireland, but for the sake of the British Empire. Even if the welfare of the remaining portions of the Empire were in no degree affected by the treatment of Ireland, still justice should be done to that long misgoverned country. But when it is seen that the interests of all are involved,—that the prosperity, the integrity, and the safety of the Empire are at stake,—that Protestant property has become insecure,—that Protestant rights are trampled on,—that dissension at home is weakness abroad,—that weakness abroad is strength at home to every injured and oppressed party,—and that the English and Irish Protestants will no longer consent to be made the tools of pampered aristocracy,—the case becomes widely altered, the oppressed Catholics and the independent Protestants join hand in hand, and time-serving placemen see the necessity of succumbing to the interests of the nation.

We subjoin the remarks of the *Morning Chronicle* on this important Meeting:—

We copy from an Irish Paper a Report of the proceedings at the very important Meeting at the Rotunda in Dublin, on Tuesday last. This Meeting may be deemed the commencement of a new æra in Ireland, or rather a revival of the period of 1782, almost the only chapter in the history of Ireland on which an Irishman can look back with unmingled satisfaction. On Tuesday, Catholics, and Protestants, laying aside sectarian jealousies and animated only by a sense of the evils which afflict their common country entered into a holy alliance to use their utmost endeavours to put an end to the great obstacle to the happiness and prosperity of Ireland. It was a meeting of the men most distinguished for rank, property, character, and influence in the country. The principle which unites Protestants and Catholics in this noble endeavour was happily expressed by Grattan, in an Answer to an Address of the Volunteers of Ireland, as quoted by his nephew Mr. E. Berwick:

The Irish Protestant can never be free until the Irish Catholic ceases to be a slave."

At this Meeting several of the most distinguished Protestants made the *amende honorable* to their Catholic brethren. They frankly and honestly owned that they had not exerted themselves for the common cause with the zeal and energy which became them. "Hitherto," said Mr, E. Berwick, "I speak with the utmost respect, you have done but little for the Catholic. I know that as individuals, you feel strongly on the subject—that as Members of Parliament, you have furthered it by your eloquence and your vote; but I still assert, that as a body, considering the magnitude of the question, and the immense—the crowning assistance, your rank, your wealth your talent, your virtue could give it, if properly brought to bear upon it, [illegible] its behalf have been trifling [illegible] and I say that what you have [illegible] the Catholics has been more in [illegible] condescension of a patron than [illegible] sistance of a friend." This feeling [illegible] with equal cordiality by Protestant [illegible] from all parts of Ireland. Justice [illegible] the Catholic Agitator; a tardy justice [illegible] the less valuable; for, the magnanimity [illegible] confesses error elevates a man, while the [illegible] obstinacy which persists in error in spite of [illegible] viction is deserving of contempt. "Look [illegible] progress of the Catholic Question (said the [illegible] quent speaker alluded to), and tell me whether [illegible] the moderation of its friends has not ever been [illegible] stumbling block in its way? For more than [illegible] twenty years succeeding the Union, the question [illegible] made but little way. Petitions, I know were [illegible] drawn up and presented, and the annual force of the presentation of these Petitions was performed and orationswere made, and the orator was advanced, but the cause stood still. The question of Catholic freedom was looked on England in somewhat the same light as Turnpike Bill, or attended to as a good occasion for judging of Irish oratory. All the time the fell spirit of Orangeism brooded on the land. At length the Catholic discovered, that if he would succeed, he must put his own shoulder to the wheel. The first stone of the Association was laid—the nation shook herself as if from sleep—the people harkened with erected minds to the voice of an Assembly calling them to liberty. See what the exertions of the Catholic have achieved in a few years for his cause!—he has made the Priest a patriot, the indolent Aristocrat an active labourer in the common cause, the grovelling serf an independent freeman—he has restored the purity of election—he has restored submission to the law—he has quenched the force of sedition and lighted up the lamp of liberty." This is a very just picture of what agitation has produced; and if the result has been such, why will we refuse to do justice to the means? The greatest agitator was the greatest patriot. We dwell on this, not to refute the absurd doctrine that England must always be bullied—because brute obstinacy must always be bullied—because all that is enlightened and liberal in England saw the necessity of doing justice to Ireland, and because the portion characterised by brute obstinacy has never moved till it was bullied—bullied in 1782—bullied in 1793. We dwell on it because even Sir James Graham, manly and independent as he is, has allowed himself, if we may judge from his late election speech, to be carried away by the cant that the Catholics have injured their cause by their want of moderation. No; the Meetings of Tuesday refutes the position. The Meetings of Brunswickers throughout the country, the drunken ravages of the Orangemen all prove that the Catholics have gained ground, and that they have victory almost within their grasp. The appeal of the Brunswickers to the animal part, if we may so speak of the nation, to yeomen and hinds, whose rubicund jowls bespeak a better digestion of bacon than of food for thought, bespeaks the desperation of the interested enemies of the happiness and prosperity of the empire. It is a bad sign when an interested enemy is placid; his anger prowes his sense of danger; the moderation which pleases him must be injurious to the cause to which he is opposed.

It cannot escape observation that this Meeting of Protestant and Catholic Noblemen and Gentlemen is a very different Meeting, in point of respectability, from any Meeting yet held of the enemies of Emancipation. These Meetings have been strong in rancorous Parsons, strong in Corporation men, but they have not been strong in rank, property and character. It cannot have escaped observation, that at the late election of a Representative Peer for Ireland, the candidate opposed to Emancipation was left in a small minority. What name, then, shall we give to that state of things in a country, to which the rank, property, and at least five-sixths of the population are opposed?

We repeat the observation, that Tuesday was a proud day for Ireland.

We have received the January Number of the *Westminister Review*, undoubtedly one of the ablest productions of the English periodical Press; the first, in our opinion, both for the intellectual vigour it displays and for its uncompromising advocacy of the rights of the people against all party and individual interest. In the present number there is a greater variety of subjects than we have seen in any former one; a greater infusion of light and agreeable papers of an exclusively literary character in contradistinction from the political, scientific, and didactic articles of which it still has a due proportion; and each question is treated with greater condensation and brevity without any loss of the power and piquancy by which the Review has been previously distinguished. It is impossible in so short a notice as that to which we are necessarily limited to convey a just idea of its varied contents, and we shall therefore only advert to those articles which appear to possess the greatest immediate interest.

The first contains a more complete and detailed exposure than we have seen any where else of the thousand-and-one sophisms that have been employed on the Catholic question. The Reviewer allows every Anti-Catholic writer and speaker to express his own ideas in his own words, and then in immediate juxtaposition, calmly, argumentively, and sometimes with the keenest irony too well deserved and never more efficiently employed, refutes his opponents. In this way the Dukes of YORK and CUMBERLAND, Lords ELDON, LIVERPOOL, BATHURST, COLCHESTER, BEXLEY, and LYNDHURST, Messrs. PEEL, DAWSON, BANKES, &c. the Archbishop and Bishop of Canterbury, Chester, and Salisbury, and half a dozen other Noble and Honourable Members are regularly pilloried, made a gazing-stock to all intelligent Englishmen, and pelted with worse than rotten eggs, their own stale arguments. We can afford space for only one speeimen of the reasoning employed by the Reviewer:—

IV. That the speeches and publications e- *A.* The Roman Catholics do, as most o-

[illegible] The followi[illegible] and Radicals, [illegible] each other, is [illegible] in which it appe[illegible] it is applied, It [illegible] Mr. BANKES's a[illegible] of the Catholic mea[illegible] doctrines of universa[illegible] parliaments—the right [illegible] dividual of every sect, [illegible] every office in the country:—

"What is a 'Radical'? [illegible] root of the matter in him.' One [illegible] ills, and goes the way to remove [illegible] Whigs of 1688 were radicals; and [illegible] man that shuts his mouth to keep out fl[illegible]

In our days things are altered. The Whig[illegible] nobody. They cry for the toy, and can do n[illegible] thing with it when they get it. At all events they only stand for what may count; and nobody expects of them any more. The theory of a government like ours is, that the friends of abuses shall hold the reins, and be made to drive whither they would not;—that it shall be Prospero with Caliban for his coachman. And there is no leek they will not eat if they are obliged to it; the only question is how to collect a force of opinion, that shall make them apply themselves to their meal.

There was no more probability of a Whig Ministry removing the Test Act, than of their removing Mont Blanc. The only chance they have for office again is, if the Tories should find the battle going too sore for them, and put in the Whigs for a woolsack to turn shot. Half the Whigs are become Radicals; and the other half are following as fast as they can. So that unless the Tories make haste, there will be nobody to try the experiment on."

There are valuable articles on the Government of the United States of America, on Legal Education, on the means of facilitating the study of Anatomy, and on the Newspaper Press of London, to which we shall hereafter recur. The one on Anatomy consist of a careful condensation of the evidence given before the Committee appointed by Parliament to inquire into the subject, and may be considered a continuation of a former article on the use of the Dead to the Living. We cannot doubt that the facts elicited by the Committee, and exhibited in their report, will lead to the adoption of some effectual measures by the Legislature for removing the impediments that exist to the prosecution of a most useful and necessary science, and the temptations that are at the same time offered to the perpetrations of the most horrid and revolting crimes. The Reviewer recommends the introduction of a bill containing the following enactment:—

"1. That the practice of dissection, and the possession of dead bodies for the purpose of dissection, be lawful.

2. That it be lawful for any person to devote his own body to dissection, either by gift, legacy or sale.

3. That it be lawful for the next of kin, or for executors to devote any body to dissection, unless the individuals shall by his last will and testaments expressly forbid such an appropriation of his body.

4. That it be lawful for the medical officers of any hospital or charitable institution, and for the overseers of any poor house, to devote the body of any person who may die in such establishments, to dissection, unless such body be claimed by the next of kin within twenty-four hours after death, or unless the individual have expressly forbidden the dissection of his body by his last will and testament.

5. That every body sent for dissection to a school of anatomy, be buried with funeral rites, on or before the 21st day after it has been received.

Of course the bill must likewise repeal that part of the law which makes it penal to have possession of a dead body for the purpose of dissection; that part of the law which renders it penal for any person to appropriate a body to dissection and perhaps also that part of the law which renders dissection part of the penalty of the crime of murder. But we see no objection to this appropriation of the body of all persons who die under sentence for criminal offences, whether in the hulks, gaol, penitentiary, or elsewhere, while all other persons of every rank and condition, who have no friends to claim the body, and who have themselves expressed no wish on the subject, should, as a matter af course, be disposed of in this manner."

On the literary articles those on the Living Poets of Holland and on Beranger's Songs possess much interest. BERANGER, if we may judge by the prosecution he has incurred, is one of the most successful, if not the most fortunate, Satirists of the present day. He has made the representative of the Bourbons—CHARLES le Simple—writhe upon his throne, and seek to maintain the dynasty to which he belongs in the affections of the French people, by fining a popular ballad-maker 10,000 francs and imprisoning him for nine months.

BOMBAY.—PRINTED AND PUBLISHED FOR THE *PROPRIETORS*, AT THE GAZETTE PRESS, No. 10, MILITARY SQUARE, BY *THOS. RIGBY.*